



IFW \$

PATENT
ATTORNEY DOCKET NO. 50316/010001

Certificate of Mailing: Date of Deposit: June 27, 2005

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Janet D'Annunzio-Ellis
Printed name of person mailing correspondence

Janet D'Annunzio-Ellis
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Armin Schorer	Art Unit:	3739
Serial No.:	10/693,400	Examiner:	Beverly M. Flanagan
Filed:	October 24, 2003	Customer No.:	21559
Title:	SPATULA DEVICE FOR PERFORMANCE OF LARYNGOSCOPICAL TREATMENT		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicant submits the references listed on the enclosed Form PTO-1449, copies of which are enclosed.

The two references cited and enclosed herein are written in the German language and no English language translations are available.

The first reference, the Kleeman article, is cited in the background of the invention of the above-captioned application on page 1, lines 30-31, and discloses methods showing how, even in difficult cases, a trachea opening might be observed and an intubation might be performed with less risk. It is stated that these methods afford an enormous effort with

respect to apparatuses and practical experience. This reference also describes the general technological background relevant to the present application and describes methods standard in the art for observing a trachea opening and performing an intubation.

The second reference, a third-party letter to the German Patent Office with respect to a related German patent application and attached drawings, discloses a laryngoscope. The letter alleges that the laryngoscope was publicly available prior to the filing date of the present application. The attached drawings do not include a publication date.

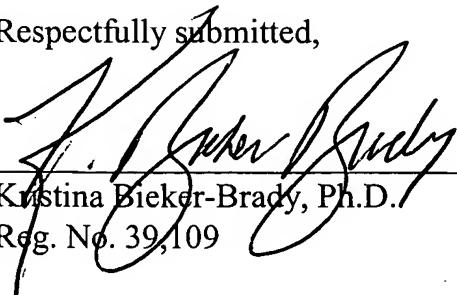
Submission of this statement is not a representation that a search has been made, nor is the inclusion of information in this statement an admission that the information is material to patentability.

This statement is being filed after a first Office Action on the merits, but before the mailing of a final Office Action or a Notice of Allowance. A check for \$180.00 in payment of the late submission fee set forth in 37 C.F.R. § 1.17(p) is enclosed.

If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: June 27, 2005


Kristina Bieker-Brady, Ph.D.
Reg. No. 39,109

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

O I P E
JUN 29 2005

Sheet 1 of 1

SUBSTITUTE FORM PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Attorney Docket No.	50316/010001		
		INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Serial No.	10/693,400		
				Applicant	Armin Schorer		
				Filing Date	October 24, 2003		
				Group	3739		
				IDS Filed	June 27, 2005		
U.S. PATENT DOCUMENTS							
Examiner's Initials	Document Number	Publication Date	Patentee or Applicant		Class	Subclass	Filing Date (If Appropriate)
FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION							
Examiner's Initials	Document Number	Publication Date	Country or Patent Office		Class	Subclass	Translation (Yes/No)
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PLACE OF PUBLICATION)							
	Kleeman, P.P., "Die Schwierige Intubation," <i>Anaesthetist</i> 45:1248-1267 (1996).						
	Renz, D., Letter from Medizintechnik Tuttlingen to the German Patent Office dated April 6, 2004 with attachments.						
EXAMINER			DATE CONSIDERED				
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with the next communication to applicant.							